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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/779,373	02/17/2004	Marc Schaepkens	133348	7897

6147 7590 07/05/2005

GENERAL ELECTRIC COMPANY
GLOBAL RESEARCH
PATENT DOCKET RM. BLDG. K1-4A59
NISKAYUNA, NY 12309

EXAMINER

KRUER, KEVIN R

ART UNIT	PAPER NUMBER
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1773

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/779,373

Applicant(s)

SCHAEPKENS ET AL.

Examiner

Kevin R Kruer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) 16-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/17/2004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Election/Restrictions

1. Claims 16-26 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on 5/05/2006.

Information Disclosure Statement

2. The information disclosure statement filed 2/17/2004 has been fully considered. An initialed copy of said IDS is enclosed herein.

Drawings

3. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they include the following reference character(s) not mentioned in the description: 240. Corrected drawing sheets in compliance with 37 CFR 1.121(d), or amendment to the specification to add the reference character(s) in the description in compliance with 37 CFR 1.121(b) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 102(b)

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-5 and 7-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Terasaki et al (US 6,432,516).

Terasaki teaches a moisture proof film composed of a transparent multi-layer film having a layer structure that thin metal oxides are respectively arranged directly or thought adhesive layer on both sides of a hydroscopic resin layer (abstract). The metal oxide layer may comprise oxides of Al, Zn, Sn, In, and Ti (col 8, lines 33+). Transparent resin layers may be applied to both sides of the composite film (col 6, lines 50+). In such an embodiment, the transparent layers are understood to read on the claimed "first" and "second" polymeric substrates. The laminate may further comprise a plurality of thin oxide layers and polymeric layers in alternating sublayers (col 7, lines 58+), wherein the adhesive layers and the hygroscopic layer are understood to read on the claimed "polymeric material." The hygroscopic layer may comprise EVOH and the adhesive layers may comprise polyethylene, polyester or polyamide (col 10, lines 8+). Said moisture proof film may be applied over an EL device (col 14, lines 37+), herein relied upon to read on the claimed electronic device of claim 8 and the electrically conducting material of claim 7. Said EL device is a luminescent layer held between a pair of electrodes (col 1, lines 22+).

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6. Claims 1-14 are rejected under 35 USC 102(b) as being anticipated by Graff et al (US 6,492,026).

Graff teaches a high temperature substrate comprising at least one barrier stack adjacent to the polymer substrate (abstract). The substrate may be coated with additional layers such as scratch resistant layers (col 2, lines 64+) or electrically conductive layers (col 5, lines 1+). There is optionally a second substrate applied to the barrier stack on the side opposite the first substrate layer (col 4, lines 57+). The barrier layer may comprise metal oxides, oxynitrides, nitrides, and the like (col 6, lines 1+). The polymer layers are acrylate polymers (claim 10). Said barrier may be utilized with LEDS, LEPs, ED, LCDs and the like (col 2, lines 3+). When utilized, said devices are disposed between a pair of electrodes.

Claim Rejections - 35 USC § 102(a)

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

8. Claims 1-5 and 7-15 are rejected under 35 USC 102(a) as being anticipated by Silvernail (US 6,576,351).

Silvernail teaches an organic photoelectronic device structure and a method of making the same. The structure comprises a first barrier resin comprising a first composite stack and a second composite layer stack attached to the first composite layer stack (abstract). The composite layer stack comprises a first polymer substrate

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layer, at least one first planarizing layer and at least one first high-density layer, while the second composite layer stack similarly comprises a second polymer substrate layer, at least one second planarizing layer and at least one second high-density layer (abstract). Preferably, the stacks will comprise two or more planarizing layers and two or more high density layers (col 2, lines 41+). The planarizing layers comprise fluorinated polymers, polyacrylates, and the like. The high density layers comprise metal oxides, nitrides, carbides, and oxynitrides. The substrate layers comprise polyolefin, polyimide, polyethersulphone, and polyester (col 2, lines 53+). The substrates are arranged such that the stacks are between said substrates (col 2, lines 26+).

The barrier region (comprising first and second composite layer stacks) may be applied to an organic optoelectronic device selected from the group consisting of organic light emitting diode, an organic electrochromic display, an organic photovoltaic device, and an organic thin film transistor (col 6, lines 61+). When utilized, said devices are disposed between a pair of electrodes.

Claim Rejections - 35 USC § 102(e)

9. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

10. Claims 1-4, 6-11, 13, and 14 are rejected under 35 USC 102(e) as being anticipated by Chung et al (US 6,836,070).

Chung teaches an electro-luminescent display with a substrate comprising an anode, and a cathode, and a barrier layer protective layer. A transparent sealing structure is glued to the top of the substrate wherein the transparent sealing structure has an adhesive layer glued to the protection layer, a plurality of organic resin layers formed on the adhesion layer, a plurality of inorganic barrier layers disposed between the organic resin layers, a flexible polymer film formed on the organic resin layer, and a hard coat formed on the flexible polymer layer (abstract). Herein the flexible polymer layer and the substrate are understood to read on the claimed "first" and "second" polymeric substrate layers. The organic layers are herein understood to read on the claimed organic polymer materials. The inorganic barrier layers are herein understood to read on the claimed inorganic material and may comprise metal oxides or nitrides (col 3, lines 39+).

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Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin R Kruer whose telephone number is 571-272-1510. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Carol Chaney can be reached on 571-272-1284. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306:

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin R. Kruer
Patent Examiner-Art Unit 1773